

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

**PLAINTIFF'S NOTICE OF DIRECTLY RELATED CASES
PURSUANT TO RULE 40.2(a)**

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Pursuant to Rule 40.2(a)(3) of the Rules of the United States Court of Federal Claims (RCFC), Plaintiff Petrina Smith, in this matter of *Smith, et al. v. United States* (“*Smith*”), case number 19-1348C, assigned to the Honorable Carolyn N. Lerner, and first-filed on September 4, 2019, respectfully provides this Notice of a Directly Related Case, *Anderson, et al. v. United States of America* (“*Anderson*”), case number 20-1878C, assigned to the Honorable Thompson M. Dietz, and filed on December 16, 2020. Plaintiff files this Notice of Directly Related Case on the basis that both cases involve the same parties and are based on the same or substantially similar claims. The *Smith* action is a putative collective action under the Fair Labor Standards Act, 29 U.S.C. § 201, *et. seq.*, (FLSA) on behalf of Plaintiffs and other similarly situated Assistant Canteen Chiefs (“ACCs”) employed with the United States Veterans Canteen Service (“VCS”) nationwide, alleging that ACCs were misclassified as salaried-exempt and were not paid overtime compensation for hours worked over forty (40) in a week. The *Anderson* action similarly involves, albeit for a shorter period of limitations than the *Smith* Action, a putative collective action under the FLSA, on behalf of Plaintiffs and other similarly situated ACCs employed at with the VCS nationwide, and also alleges that ACCs were misclassified as salaried-exempt and were not paid overtime pay. Because both cases involve substantially similar parties and putative collective groups, and involve determination of the same or substantially identical questions of law or fact regarding misclassification of ACCs, they qualify as directly related cases under Rule 40.2(3)(a)(ii), and Plaintiff Smith provides this notice herein.

Additionally, in response to the information requested in Rule 40.2(3)(a)(iii), Plaintiff Smith believes that assigning the cases to a single judge would not be likely to conserve judicial resources and promote efficiency in both actions at this time. Both cases currently have pending motion practice which, if the case(s) were reassigned at this juncture, may duplicate efforts on already briefed and pending matters. Should the Court, however, decide to assign the cases to a single judge, Plaintiff requests the *Anderson* action, as a second-filed action, be assigned to the Honorable Carolyn N. Lerner, the judge presiding over the first-filed *Smith* action.

Dated: August 16, 2022

Respectfully submitted,

s/ Lisa Brevard

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of August 2022, the foregoing **PLAINTIFF'S** ***NOTICE OF DIRECTLY RELATED CASES PURSUANT TO RULE 40.2(a)*** was electronically filed with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record who have enrolled and registered for receipt of filings via the Court's ECF system.

/s/ Leeanna Carcione